IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 141 OF 2006

Shri Tukaram Jayram Sonavane ... Appellant

Versus

Shri Pandharinath Madhavrao Patil ... Respondent

Mr. P. B. Shah for the Appellant.

None for Respondent

CORAM :- D.G. Karnik, J.

Date :- 19th August, 2006.

P. C.:-

1. This Revision Petition is directed against the order dated 28th June, 2006 passed by the 9th Ad-hoc Additional District Judge, Pune, condoning the delay in filing the application for restoration of the appeal.

2. Learned Counsel for the Petitioner, submitted that the impugned decision is contrary to law, inasmuch as the Learned Judge

has failed to appreciate the evidence in its proper perspective. Under Section 115 of the Code of Civil Procedure, revision application can be entertained, only on 3 grounds namely, (a) as the Court has exercised jurisdiction not vested in it by law or (b) has failed to exercise jurisdiction so vested or (c) acted in the exercise of its jurisdiction illegally or with material irregularity. Learned Counsel for the Petitioner conceded that the District Judge had the power to entertain the application for condonation of delay. Therefore, there is no wrong exercise of jurisdiction. Appreciation of evidence was within his jurisdiction and on appreciation of evidence, and for cogent reasons he has condoned the delay. No interference is called for in exercise of writ jurisdiction.

3. Hence the Revision Application is dismissed summarily.

(D. G. KARNIK, J.)